

DIXIE TRANSPORTATION EXECUTIVE COUNCIL (DTEC)
MINUTES
October 19, 2011

PRESENT

Jim Eardley, Washington County Commission
Jerry Lewis, UDOT Commissioner
Chris Hart, Mayor, Ivins City
Ken Sizemore, Five County AOG
Matt Ence, Santa Clara City
Myron Lee, Five County AOG
Larry Bulloch, St. George City Public Works Director
Curt Hutchings, Dixie MPO
Ellen Schunk, Senator Mike Lee's Office
Jimmy Tyree, BLM
Keith Rickert, BLM
Dana Meier, UDOT
Ron Whitehead, Washington County

CALL TO ORDER

Chairman Eardley called the meeting to order at 12:10 pm. The committee was one vote short of a quorum, so action items were deferred to later in the meeting in the hope that another voting member would arrive.

MINUTES

Approval of August 17, 2011 minutes

As no quorum exists, these minutes will be considered for approval at the next meeting. Ron Whitehead asked that the following change be made:

On page 3, line 10, "400-foot number" should be changed to read
"100-foot number."

Chairman Eardley said that the change would be made in the minutes and voted on at the next meeting.

ACTION ITEMS

None.

DISCUSSION ITEMS

1. Washington Parkway Alternatives Development

Jimmy Tyree of the local BLM office gave the Committee an overview of their planning process to update everyone. He and Keith Rickert from the Cedar City BLM office presented a PowerPoint slide show, a copy of which may be obtained from the BLM.

The planning process will result in two Environmental Impact Statements (EIS), one for Red Cliffs NCA and one for the Beaver Dam Wash NCA. They will also be amending their current R&P. BLM regulations require two different processes: the planning decision, in which actual routes are identified; and the implementation planning. Mayor Hart asked for geographic clarification of the scope of the two NCAs, and Mr. Tyree said that he hadn't brought a map that specifically indicated that. However, the current Red Cliffs NCA only deals with federal lands, which is about 44,000 acres out of the 63,000 acres, so the BLM's jurisdiction is only about 70% of the total. As far as Beaver Dam Wash is concerned, the NCA consists of approximately 62,000 acres.

Part of the planning process requires the BLM to accept ACEC nominations and evaluate them. Chairman Eardley said that it appears the Washington County Land Bill, which was passed by Congress, is not being recognized. Ron Whitehead asked whether, when considering submittals for designated areas for ACECs, the applicant also submits a biological or cultural justification for the request. Mr. Tyree said that the applicant should, but the BLM also independently verifies it. Chairman Eardley asked that the DTEC be kept in the loop in this whole ACEC process. Before anything is finalized, a draft EIS will be published and everyone will have an opportunity to submit input. The draft in April will include a Cooperator's Review before it is released.

2. Transit Feasibility Study Update

Myron Lee and Curt Hutchings have been meeting with AECOM, a consultant, regarding bus rapid transit options and a regional transportation system. AECOM is preparing six case studies of how transit systems in other areas similar to St. George have evolved from a city to a regional service. Another firm, Lewis Young Robertson & Burningham, is also involved to provide financial input. Mr. Lee said that this study will be presented to this group early next year.

3. DTAC Corridor Studies Discussion

Mr. Lee said that the MPO has a planning budget of approximately \$100,000 per year to be used for corridor studies and planning issues. A number of ideas were presented to DTAC last week and a recommendation will be coming to the DTEC in November for approval. Dana Meier of UDOT also discussed the corridor preservation funds. A copy

of his presentation is available from UDOT.

A copy of Senate Bill 8, Local Corridor Preservation Funding, is attached to these minutes. It was passed in the 2005 General Session and established "a revenue source and approval process for preservation projects for certain county and municipal governments."

He said that there are different guidelines that UDOT must follow in different counties, depending on whether there is an MPO or not. When the MPO programs money, they do so typically within their boundary, which is set by the Governor's Office. They are limited in where they can put some of their planning studies money.

As of August 31, 2011, Washington County has \$2.5 million in the fund, including interest that has accrued. Iron County has about \$1.5 million. In order to use the money, Washington County had to pass an ordinance, approve the local option fee, set the fee and effective date, itemize exemptions, and delineate the purpose (property acquisition). There must be a willing seller (cannot use eminent domain), and it must be used for corridor preservation and not for project acquisitions. When the COG makes applications to the local corridor preservation fund that is held by UDOT, the Comptroller's Office and the right-of-way people in Salt Lake City will review the application. The COG is not a legislative body (it has no taxing authority).

Myron Lee said that the RPO wants to study four corridors: Purgatory Road, Babylon Road, Toquerville Bypass, and the road between Babylon Road and the Bypass. The request to use Corridor Preservation money for this study will be coming before the COG in the near future. He's asked UDOT to analyze the legislation to make sure they can do that. Mr. Meier said that S.B. 8 does allow for that expense.

There was some discussion of B & C Road funds being down and how this will impact other funding. Mr. Meier quoted an email from Matthew Swapp dated Sept. 29, 2011, in which he states that B & C funds are down from last year, but the year-to-year trend is increasing slightly. It will be necessary to wait and see how the revenue from the next several months continues before making any final judgments. The yearly B & C distribution totals are posted on the UDOT website.

County Engineer Todd Edwards attended a recent Joint Highway Committee meeting in Vernal and reported to Mr. Whitehead that several counties were complaining

OTHER BUSINESS

Mr. Lee mentioned that the MPO is in the process of signing a contract with Jacobs

Engineering on the Washington Parkway route through the Red Cliffs Desert Reserve all the way to SR 18. Jacobs has a biologist on staff, Bruce Palmer, who is very experienced with desert tortoises. They will take existing data concerning the tortoises while continuing to preserve, protect, mitigate, and enhance the tortoises' habitat. Meetings will be scheduled shortly, and anyone is invited. Larry Bulloch spoke highly of Mr. Palmer's expertise, and Mr. Lee said that he can lead the way toward creating firebreaks, limiting human access, and preserving the bifurcation of the Reserve.

Mr. Meier updated the committee on one further issue pertaining to corridor acquisition. UDOT has been looking for several parcels on SR-9 and has had some appraisals completed on those parcels. Initially, it was decided to wait until receiving the appraisals in order to know how much money to request from the COG; but the appraisals came in so low that UDOT was apprehensive that they would not be willing buyers. The plan now is to get an approved appraisal, sit down with the sellers, and see if they are still willing to sell at those prices. There is really no flexibility or negotiation possible; once the appraisal comes in, that is the price, unless the seller wants to sell for less than the appraised price. In order to use the COG money, there must be a willing seller at the appraised price. If the seller doesn't like the appraisal, we are stuck; that is not up to the COG to adjust, it is state law. Mr. Bulloch said that in that case, there will never be a sale. Mr. Meier said that in some cases, these are foreclosed properties that have gone back to the bank, and the people are willing to use the bank's appraisals. In this economy, it is true that property values are down and sellers may not be willing to sell. The point is that we can't compel a seller to sell, so how do we establish fair market value? We have to rely upon the appraisals, using the comparables in the area.

All of these appraisals are now being reviewed, and that report should be forthcoming in the next week or so. The properties under consideration now are two parcels by Turf Sod Road and one by 3700 West, which is now landlocked. There are two different owners involved. For the latter parcel, attorneys are currently working out details on the property lines and other issues, all of which will affect the amount of the appraisal. Within the next week, we should know whether the owners are still willing to sell at the appraised price. Once it is determined that the sellers are still willing to sell, a COG meeting should be convened on the approval for funding. The intent is for all monies to come from the COG fund.

NEXT MEETING

A. Next meeting **November 16, 2011.**

Having no other business, Chairman Eardley adjourned the meeting at 1:20 p.m.